

27 DEC 1957  
CENTRAL SECY  
LIBRARY

# The Gazette of India



EXTRAORDINARY

PART II—Section 3

PUBLISHED BY AUTHORITY

No. 597] NEW DELHI, SATURDAY, DECEMBER 21, 1957/AGRAHAYANA 30, 1879

## ELECTION COMMISSION, INDIA

### NOTIFICATION

*New Delhi-2, the 22nd Agraheyan, 1879, Saka/18th December, 1957*

**S.R.O. 4078.**—Whereas the election of Shri Shiv Dutt alias Shri Shiv Dutt Upadhyaya as a member of the House of the People from the Rewa constituency, has been called in question by an election petition duly presented under Part VI of the Representation of the People Act, 1951 (43 of 1951), by Shri Prabhu Charan, son of Jheewan, Resident of Ward 3, Ghogher, Rewa.

And whereas the Election Tribunal appointed by the Election Commission in pursuance of the provisions of section 86 of the said Act, for the trial of the said election petition, has, in pursuance of the provisions contained in section 103 of the said Act, sent a copy of its order in the said election petition to the Commission.

Now, therefore, in pursuance of the provisions of section 106 of the said Act, the Election Commission hereby publishes the said order of the Tribunal.

### IN THE COURT OF THE ELECTION TRIBUNAL, CHHATARPUR

*Single Member.—Sri G. P. Bajpayee, Distt. Judge, Chhatarpur.*

*Sri Prabhu Charan s/o Jheewan, ward 3 Ghogher, Rewa.—Petitioner.*

### *Versus*

*Sri Shiv Dutt alias Shri Shiv Dutt Upadhyaya, 93-D, South Avenue, New Delhi.—Respondent.*

### ELECTION PETITION NO. 458 OF 1957

#### *Vakils for petitioner—*

Sri Guru Prasanna Singh, Sri Ram Dass Avasthy, Sri Jagdamba Prasad Nigam, Sri Sri Niwas Tiwari and Sri Jagdish Chandra Joshi.

#### *Vakils for the Respondents—*

Sri Janki Prasad, Sri Shiv Narayan Khare and Sri M. D. Kale.

## JUDGMENT

This case is by a voter, an elector enrolled in the Rewa Parliamentary Constituency in the Madhya Pradesh State. He is a member of the Socialist Party of India and P.W. 9. The constituency was called upon on 18th January 1957 to elect their representatives to this seat. Eight candidates contested representing the Congress, Independents, Jan Sangh, Praja Socialist Party and the Socialist Parties and whereas the Congress candidate the respondent got 41745 votes the Socialist party candidate Srimati Rama Mitra got only 21381 votes. The polling for the election to the House of the People and to the State Assembly took place simultaneously. Each polling station had two booths one for the House of the People and the other for the Assembly. The base constituencies within the Rewa Parliamentary Constituency were seven Rewa, Gurh, Chitrakoot, Sirmour, Mauganj, Mangawan and Teonthar. Of these Mauganj was a double-member constituency for the State Assembly. Thus if each party set up a candidate it need have canvassed for one symbol only for its candidates both for the State Assembly and for the Parliament. This was the case with the four recognised parties of the Indian National Congress, Praja Socialist Party, the Communist Party and Bhartiya Jan Sangh. They had a single symbol both for the Parliamentary seat as well as for the State Assembly seat of "a pair of bulls with a yoke on", the hut the Ears of corn and a sickle, and the lamp (Deepa) respectively all over India. Besides the above four, the Rising sun, the Elephant & the Horse & the Rider were reserved for the Madhya Pradesh for the Akhil Bharat Ram Rajya Parishad, All India Scheduled Castes Federation and Akhil Bharat Hindu Mahasabha respectively. There was no single symbol allotted to the petitioners' party. On 24th November 1956 the Election Commission issued a press note announcing the above. But it did not recognise the All India Socialist Party in spite of the party being reformed by Dr. Ram Manohar Lohia in 1955. The Commission dubbed it independent. The returning officer, to make the case worse allotted the party a symbol of tree for the House of the People elections and a tree in 3 constituencies State Assembly of Sirmour, Chitrakoot and Teonthar, cultivator winnowing grain in the three constituencies of Rewa, Mauganj and Mangawan, and human hand in the two constituencies of Sirmour and Mauganj. So at Mauganj the same party had 2 symbols. The symbol tree was also allotted to 4 independent candidates Narain in Rewa, Ram Nihor in Sirmour, Jagdish Prasad in Mauganj and Man Bodh Singh in Mangawa. The symbol 'A cultivator winnowing grain' was given to Sri Hira Lall an independent contesting for the Parliamentary Constituency.

This means paralysing a coherent election campaign among the voters by this party in spite of the fact that the Socialist Party had consistently given tree as their candidates choice according to the press note of 24th December 1956 as on pp. 153-154 Hand Book for returning officers Part II. This act of the returning officer was illegal, unconstitutional and repugnant to the spirit of the Constitution and the Representation of the People Act 1951. In fact the voters of the Rewa Constituency have been confused and misled in casting their votes. But for this confusion the respondent could not have been elected.

Besides the above the Commission acted illegally & unconstitutionally in issuing press note of 24th November 1956 as on pp. 152-53 Hand Book for returning officers Part II and this discriminated against the Socialist Party in-

- (a) not allowing free voters list which by its being an All India body it deserved.

- (b) by fixing an arbitrary rule of 3% in the previous election and so allowing certain parties a fixed well publicised symbol of a pair of bull & a Yoke on to the Respondent and allowed the Socialist Party candidate only a very limited space of time between the nomination 4th February 1957 and the polling from 2nd to 11th March 1957 and this action was against Art 14 of the India Constitution.
- (c) The Socialist Party had to publish one symbol for the Parliamentary and 3 different symbols for the 8 State Constituencies.

The election is therefore sought to be declared void under Art. 11 Constitution and because the provision of the *Representation of the People Act*, 1951 Sec. 100 1 (d) IV as to the result being materially effected is *ultra vires* and the election was run against the provision of the Constitution.

The Respondent denied the facts & the legal interpretation by the petitioner of the relevant press notes, rules and the provision of the Representation of the People Act and the Constitution. His case was that the matter of allotment of symbols is not a ground for the election petition. The act is passed by the Parliament which has plenary powers to lay down law as to when and in what circumstances and in what manner an election should be set aside.

*v.* No cause of action has been made out by the petitioner against the respondent nor has it been shown that he is in any way responsible for any act or omission which is against the Representation of the People Act.

Recognition of some parties & denying recognition to the other parties by the Election Commission results in no unconstitutional and hostile discrimination, nor does it impose an inequality in the matter of free and fair election.

At the time of allotment of these symbols the petitioner or anybody on his behalf raised no objection to it.

That on facts there has been no confusion and the matter was simple. Symbol was not the only criterion. But even if we assume for the sake of arguments that theoretically there could be some confusion, although voters for the Socialist Party were not more illiterate, there has been no material affect. For, if, we adjust the likely confusion and votes for all symbols allotted to the Socialist Party at different Assembly Constituencies, are added the result is not varied.

That the directions issued by the Election Commission are not arbitrary in recognising a party which must have some support. It is reasonable and similar for all parties and is not discriminatory. The Indian Law is quite definite on the point and the English Law in general has no application here.

The non-compliance alleged is that of article 14 of the Constitution and section 169 of the act. No other provision has been pointed out. An election is a very costly affair and takes much of public time and should not be lightly set aside in the interest of public. And as such reasonable restrictions for the purpose ensuring that it shall not be set aside unless materially affected is within the purview of the article and is not a non-compliance of it and any non-compliance to that extent cannot be said to be a non-compliance of the Constitution within the meaning of article 14. Section 169 of the act has been complied with by the rules having been framed thereunder and rule 10 has obviously been complied with by issuing the reasonable directions.

On the above the following issues were framed:—

- (1) Is the petition liable to be dismissed under section 90 (3) of the R. P. Act, as the provisions of section 81 thereof, have not been complied with?
- (2) Has there been any non-compliance with the provisions of the constitution *viz.* under articles 14 and 326 thereof or under the provisions of the Representation of the Peoples Act, 1951 and the rules made thereunder known as the Representation of the Peoples (conduct of Elections and Election petitions) Rules, 1951, *viz.*, rules 5 and 10 thereof, materially effecting the election within the meaning of Sec. 100 (1) (d) IV because the Election Commission had no power to recognise parties and allot symbols to them under the acts and if any rules if made to the effect were ultravires to the Representation of the Peoples Act, 1951.
- (3) Are the facts contained in paras. 1 to 9 of the petition *re* the allotment of varied symbols to this Socialist Party and the same to certain other independent parties and individuals correct and have they effected the election materially?

**(4) Relief.**

On these issues the petitioner produced P.W. 1 Bhola Pd., 2 Hari Har Prasad, 3 Jagannath Prasad, 4 Ram Saran, 5 Sahdaee, 6 Mahabir Singh, 7 Shakti Prasad, 8 Amirullah Khan, 9 Prabhu Charan, 10 Brij Nandan Singh, 11 Kaushal Prasad, 12 Rang Nath and P. 1 to 43 while the respondent produced himself and no paper.

From the evidence it appears that both parties agree that single uniform symbol for the State and the Lok Parliament candidates would be advantageous to that party. But the extent to which this advantage would effect differs according to the beliefs of each party. Sri Sheo Dutt respondent believes that "Had we 9 symbols one each for the 9 candidates differently we would have canvassed for all the nine. Of course we would have used more words and as such more labour in uttering those words. We would have fixed up 9 placards or the same placard for all on a bigger sheet of paper. We might have spent more. With one symbol it would be easier to canvass than with different symbols. Uniform symbol was meant to facilitate the work of the election. The voters were free to vote. They could have asked where to vote for whom. But the socialist party lost because the socialist party after it had ceded from the Congress Party had dwindled off in its influence. I did not hold high hopes for them. Yet I explained to the voters their particular symbol in that circle and told them they were free to vote for whomever they liked."

Whereas the P.W. 12 Rang Nath swore that there was confusion because of the diversity of symbols, Dr. Lohia issued P. 8 signed by him deplored the state of affairs where "some parties had secured the advantage of 5 years publicity of their symbols while the socialist party candidates knew of the symbols only on 4th February 1957. We could publicise only for 21 days. In double member constituencies, recognised party had the same symbol with a circle drawn round it. The last limit of absurdity was reached when the base constituencies and their parliamentary constituency must campaign with different symbols." They represented to the Secretary, Election Commission that as in U.P. they be given tree as their party symbol with the tree enclosed in a circle for reserve seats. But the Election Commission, the Chief Electoral Office and the Local Returning Officers did not heed their representation and gave to the socialist party the three symbols as noted in paras. 4, 7 and 11 of the petition to the socialist party.

The rest of the evidence is of a partisan nature and ranges from the foolish evidence of Hari Har Prasad of Shatpura in Sirmour basic constituency who says that he forgot the symbol of his party along with a hundred others to the very clever evidence of Sri Kaushal Prasad, Secretary, Socialist Party, Mangawan who says that in the four neighbouring base constituencies of Mauganj, Teonthar, Sirmour and Gurb the voters got confused and said to the canvasser Kaushal Prasad, Ramsaran, Sahdaee, Mahabir Singh Solanki that (your) socialist party is no party because it had no uniform symbol like the Congress. I say it is clever because when they represent so they commit the fallacy of undistributed middle. They are talking of diverse symbols in the different constituencies operating confusion everywhere. But the question is what is the effect of one socialist candidate getting one single symbol for the Parliament election and different single symbol for the base State Assembly election. There could possibly be no confusion in the mind of a Rewa voter who had only one symbol of tree for the Parliament election and only one symbol of a cultivator winnowing grain for the State Assembly election.

The best evidence on the record for the petitioner could be of Hari Har Pd., and Jagannath Pd. Hari Har Prasad is from Sirmour constituency and it is the only one for "materially effecting the result". He says 100 did not vote as they did not know what was their socialist party symbol. It is very hard to believe that they forgot their symbol of 'Human hand'. He only says that they cast their votes in the box with a cultivator winnowing grain and so actually voted for Hira Lall independent instead of for the socialist, who had hand as their symbol. Similar is the oath of Jagannath. But it is difficult to believe that Jagannath, who is the Secretary to Harijan Sewak Samaj of a town like Rewa forgot his symbol. Still he says this was the case with 5 people like himself. He says Kumari Mitra's canvassers never told him her symbol. Mahabir Singh P.W. 6 says that confusion caused 2 voters not to vote at all.

Ram Saran swears to confusion but in cross examination he admits that he met this criticism at only one place.

P.W. 7 Shakti Prasad Pande says that the confusion was regarding the symbols but in cross-examination admits that the people said they will vote for the socialists, but to only such as they thought were really socialists. They considered Congress candidates to be the true socialist. So at least with these voters the question was not regarding symbol but as to the realities. Prabhu Charan P.W. 9 admits that he voted correctly as he desired and there was no confusion in his mind. He says the confusion was in the people but could not name any one nor did he go canvassing. So the petition is not based on the personal knowledge of the petitioner. P.W. 10 Brij Narayan says that the party having the greatest influence in his village was the Congress. He names two who he says did not vote as they were confused. But in all the above cases those confused have not been produced.

Kaushal Prasad is the Secretary, Mangawan Socialist Party and swears that when he asked people to vote for socialist party assembly candidate in the box with cultivator as the symbol and for socialist party parliament candidate in the box with tree as the symbol the voter got confused. He could not however remember the name of one single voter who got confused. He also could not explain that if uniformity of symbol was the chief thing why Acchey Lall for P.S.P. and Hukum Chand of Jan Sangh got less votes than the Socialist Party. He could not say why in Chitrakoot constituency Ram Rajya Parishad won over the Jan Sangh and the Congress having uniform symbols for the Parliamentary and State seats.

He therefore said that P.S.P. and Jan Sangh having the same old symbols lost because they were weak.

So on the facts as proved by the above oral and documentary evidence and set up by the petitioner himself in paras. 4, 7 and 11 the following facts are believed:—

That the Socialist Party candidate Joshi Jagdish Chandra with the cultivator winnowing grain won the Rewa State constituency seat, and that Socialist Party candidate Achyutnand with cultivator winnowing grain won the Mauganj State Assembly seat;

While the Socialist candidates Prof. Rama Mitra for the Parliamentary seat, Vishwanath Prasad for Gurh State Assembly seat, Ram Koomar for Chitrakoot State Assembly seat, Mahabir Singh for Teonthar State Assembly seat all lost even though they had the tree as their common symbol.

As para. 4 of the petition itself shows there was no confusion by human hand as it was no symbol in the Parliament election. Even if the petitioner's case be taken as a whole true, even then Prof. Mitra Rama got 21,381 with tree as their symbol, Ram Nihor and Hira Lall got 1,301 with cultivator winnowing grain and tree as symbol. So among them, they got in all 22,682 while the winning candidate Sheo Dutt got 41,745 votes. So there could be no effect even if there was any confusion caused.

On facts therefore I do not find anything useful proved by the petitioner such as to effect any issue. The legal aspect argued is now taken up.

The canvassing was on the basis of symbols for from about 29 to 35 days and that period should be more than sufficient to acquaint the people with the symbols.

I believe that P.W. 12 did make the representation in time for the commission to have helped the party to get only one symbol.

The petitioner has argued that the symbol is of great importance. As the democracy is worked out and practised the individual candidate is bound to lose his identity and the party he represents is bound to gain in importance and the symbol to the party has already gained greatly in importance. As such the allocation of a symbol is of great value. If one party has a symbol for 2 or 3 consecutive elections and another has it only a fortnight before the election such other party is put to great disadvantage and the election is materially effected. It is also argued that the arbitrary rule of giving free list of voters to certain parties effects the election materially.

This hardship becomes unconstitutional when the rules and practice allows one party to have one and the only symbol at the election, while another in spite of its representations to the contrary is allowed three diverse symbols during the course of one and the same election campaign.

The rules concerned are r 5 and r 10 of the Representation of the Peoples (conduct of Election and Election petitions) Rules, 1956. They are S.R.O. 1943 and published by the Ministry of Law Notification, New Delhi, the 30th August 1956. The relevant words are—

*Rule 5 (2).—In constituencies other than council constituencies every nomination paper presented under sub-section (1) of section 33 shall contain a declaration specifying—*

a-b the particular symbols chosen for I-III-III preferences provided that—

(a) the choice made by a candidate under this sub-rule shall be subject to such restrictions as the Election Commission may think fit to impose in that behalf.

**Rule 10.** When a poll becomes necessary the Returning Officer shall consider the choice as respects symbols expressed by the candidates and shall (a) allot a different symbol to each candidate in conformity as far as practicable with his choice and (b) if more contesting candidates than one has indicated their preference for the same symbol, decide by lot. This function is a subdelegation of the powers of the commission and in the present case the action taken by the returning officer and officers has been in contravention of the Press notes and directions issued by the Election Commission.

Then the Parliament could be delegated the power to make laws and rules by the constitution. But then there could be no such delegation by the parliament to the Election Commission so far as such sub-delegation is concerned. Even if it could be to the Central Government as envisaged by Sec. 169 (R. P. Act) no action taken by the Returning officer could be considered constitutional because of this sub-delegation. This allotment of symbol to all India parties is an act of great importance. It is a matter of policy. It cannot be considered to be an act of merely an executive nature. It is legislative.

For this proposition the petitioners counsels quoted 1948 Vol. II All England Reports 558 at 564. *Jackson vs. Buttersworth* where a power delegated by the parliament to a minister was sub-delegated to a duly constituted body by a circular. It was held that there could be no sub-delegation and action taken by any person appointed by such a body was not a proper certification.

1948 Vol. I, All England Reporters 780. There the Minister of Agriculture was to direct action to be taken. No other subordinate body was contemplated by the Act. So when the selection of a site was sub-delegated to a subordinate body any infringement of a direction by such sub-body was not penal.

1957 V.P. 47 at 49. It is a case when the Central Government could delegate some of their powers to the provincial. But that was all. There was no provision in the Essential Supplies Act for the Provincial Government, to delegate its power to the District Officer, (*i.e.* Deputy Commissioners). So a delegation by the Provincial Government to a District Officer was held *ultra vires*.

The respondent has relied on 1953 Madras 105 para 14-19 and said that the action of the Election Commission is under the constitution itself.

I believe Article 324 lays down clearly that the Election Commission shall direct the conduct of these elections. Now allotment of the symbols is a step within the words 'conduct of the election'. Besides the rules framed are, according to part 3 Sec. 169 of the R. P. Act, laid before the Parliament for not less than 30 days and are to be issued only after that time it is not shown that these rules questioned had not the sanction of the parliament. The rules No. 5-10 of the conduct of Election are such. They read with 324 article make it clear that the action of the election commission and the officers might be hard, might be prejudicial to the socialist party, but was legal and within that power of the commission and officers working under the commission's direction. That it was hard is no look out of this court. It was so held in Bengal Chamber of Commerce (first case) D.E.C. Vol. I case No. 35. I therefore reject this legal argument and hold that the symbols were given according to rules and no legal objection to it could be taken. The commission had to lay down a criterian. The criterian is not absurd. It is arbitrary but then any percentage had to be arbitrary. The work of the returning officer was of executive and ministerial nature absolutely and does not effect the policy. It is one of details. The directions issued by the E. Commission are not arbitrary.

The second argument advanced by the petitioner is that these rules are *ultra vires* of the Central Government. As they distinguish one candidate from another. As such it infringes against art. 14 of the constitution. Art. 14 lays down. The state shall not deny to any person equality before the law or

the equal protection of the law within the territory of India. This is under one of the 4 essentials fundamentals guaranteed under the constitution Equality of status and opportunities. *Nixon vs. Herndon* 273 U.S. 1536 (1927) held that the right of voting is a political right. So if there is any discrimination in the exercise of a political right it is against constitution. 1952 S. C. 75 is a case in point. There their lordships of the supreme court held that sec. 5 of the Bengal Special Court Act is *ultra vires* because it discriminated between man and man. There the provincial Government could declare any case or classes of cases triable under that special Act. This classification or allocation of cases to such special courts was not based on any well established rule of Cr. P. Code or any other principles. It was arbitrary. The Respondent has admitted that if one and the same party is allotted symbols like the tree, human hand and the cultivator, hut and tree for its different candidates it causes difficulties to the canvassing to that party. The petitioners witnesses Hari Hari Pd., Jagannath, Ram Saran, Sahdaee, Mahabir Singh, Prabhucharan, Brij Nandan Singh, Kaushal Prasad and the respondent himself have proved beyond a shade of doubt that the voters were misled and many did not vote, many refused to recognise the Socialist Party in existence because the Government failed to give it one symbol as they allotted one symbol to the Congress, the Ram Rajya Parishad, Praja Socialist Party and Jan Sangh.

The reply by the respondent is that neither on facts nor in law is this case proved cut. In cases where the socialist party has won they have not objected. They could have moved the High Court. They could have desisted from taking part in the election. So they were stopped from contesting and questioning the election where they have lost.

Much of this reply is rhetoric but it is plain that in spite of this divergence of symbols allotted to this party they have won in the case of Sri Jagdish Chandra and Achyutanand. They have lost in spite of the parliamentary candidate and 3 assembly basic candidates having the common much declared by coveted symbol of a tree. The election is won on the popularity of the cause, the person and so many other elements which may appeal to the imagination of the electors at the time.

There has been no discrimination between the candidate and candidate so far as the law and rules are concerned. I therefore reject this argument also.

The third argument is that the words materially effected in Sec. 100(1), d, iv are in contravention of the constitution, in its general scheme and of the provisions by the parliament. The section makes it necessary that even where the provision of the constitution or this act are not complied with the election must have been materially effected by such non-compliance. This is in breach of the constitution and is *ultra vires*.

The words are if the tribunal is of the opinion that the result of the election in so far as it concerns a returned candidate, has been materially effected by any non-compliance with the provisions of the constitution, or of this act, or of any rules, or orders made under this act the tribunal shall declare of the constitution and is *ultra vires*.

It is argued that the whole section is good except the part materially effecting. The scheme of the act is that certain grounds in absolute will make the election void, whereas certain others will require material effect being shown to have been effected. Now the act is by the parliament which had the power to legislate providing for all matters in connection with election and article 327 gives the parliament full powers.

I do not believe that the words are hit by Art 14 which only lays down that the state shall not deny to any person equality before the law. The law requiring material effect being shown and proved applies to all the subjects and I reject this argument also.

The fourth argument is one in the alternative. It is said that if it is held that fighting election is not to be on party basis. Then sec. 169 R. P. Act is defective as it does not provide for rules for allotment of symbols. All rules made re-allotment of symbols is therefore *ultravires* of the Act itself.

It is said that where as the American, German and Italian laws provide for election being fought on party lines the India constitution and R. P. Act envisages no such thing and so the rules are *ultra vires*. The authority of P. 273 274 Clauses on statute law is invoked to say that such subordinate legislation is not contemplated either by the India constitution or the R. P. Act

I believe that all democracies live on party symbol and an election means that the parties are contemplated. Even if no parties were contemplated art. 327 covers all these rules. The words all other matters necessary for securing the (election) covers framing of rules regarding allotment of symbols to either parties or individuals

The article provides that the parliament may from time to time by law make provision with respect to all matters relating to, or, in connection with, elections to either house of the parliament or to the house or either house of the legislative of a state including the preparation of electoral rolls, the delimitation of constituencies and all other matters necessary for securing the due constitution of such house or houses.

Now rules regarding allotment of symbol is a matter relating to all other matter necessary for securing the due election and the constitution and the R. P. Act both contemplate such allotment. The rules are not beyond the competency of the parliament or the Election commission. As held above the sec. 169(1) R. P. Act provides making of rules for carrying out the purpose of this Act.

I therefore reject this argument.

For the above reasons I hold that issue No 1 is decided in favour of the petitioner. The provisions of Sec 100 1 d iv were alleged contravened by the respondent. As such the petition could not be dismissed under Sec 90(3) because it showed a cause of action as contemplated by Sec. 81 of the Act

Issue No. 2 is decided against the petitioner. There has been no non-compliance with the provision of the constitution *viz* under articles 14 and 326 thereof, nor under the provision of the Representation of the People Act 1951 and the rules made thereunder known as the Representative of People (Conduct of Election and Election Petition) Rules 1951, *viz*, rules 5 and 108 thereof materially effecting the election within the meaning of Sec 100 (1) (d) iv because the election commission had power to recognise parties and allot symbol to them under the act and under the rules made to the effect were *ultravires* of the representative of people Act 1951.

**Issue No. 3.**—The issue is decided in favour of the petitioner so far as facts are concerned and not so far as the legal implication of them is alleged by the petitioner.

The facts contained in para 1 to 9 of the petition on the allotment of varied symbols to the socialist party and the same to certain other independent parties and individuals are correct. But they could not be held to have effected the election and its result materially.

**Issue No. 4.**—The petition is dismissed for the reasons given above. As the facts alleged by the petitioner have been found to be correct and were not denied the petitioner was merely put to a strict proof of them and as the case is one based on beliefs as to the interpretation of the statutes, constitution, and the rules I allow the respondents Rs. 500/- only as costs.

(Sd.) G. P. BAJPAYEE,  
22-11-57.

Pronounced in open court.

(Sd.) G. P. BAJPAYEE,  
22-11-57.

—  
[No. 82/458/57/13832.]

By Order,  
A. KRISHNASWAMY AIYANGAR, Secy.